Analysis

The USPTO rejected Claims 1-2, 5 and 7-8 under 35 U.S.C. Section 102(b) as being anticipated by Clements, U.S. Patent No. 2,193,619 ("Clements"). The USPTO also rejected Claims 3-4 and 6 under 35 U.S.C. Section 103 as being unpatentable over Clements in view of the admitted prior art. Notwithstanding, the United States Patent and Trademark Office allowed Claims 9-18. As the United States Patent and Trademark Office failed to discuss newly submitted Claims 19 and 20, the applicant assumes these claims are also allowed.

The applicant has discovered a new geared core winder with locking mechanism for use with core rolls, particularly for fabric materials, rugs, papers and other such products. (See page 6, lines 20-22 of the application.) This mechanism combines a unique locking mechanism with a conventional geared core winder. The locking mechanism (10) contains a generally donut-shaped locking piece (20) containing a central opening (22) wherein contained within that central opening (22) is a rotation limitation system (40), which permits only one way directional rotation of a shaft (112) of the geared core winder (10) when that shaft (112) is placed within the central opening (22) of the locking mechanism (10). The applicant respectfully asserts that this invention is not disclosed by Clements.

Clements discloses a mechanism designed for use in an entirely different and distinct field of endeavor. The device of Clements is a reel for use in connection with aircraft antenna. The Clements reel can be used to reel in and reel out an antenna by a pilot of an airplane. This mechanism has no relationship to a geared core winder for use with core rolls.

While there is much disagreement about the impact of language contained in a preamble on claim interpretation, it is clear that a preamble can be used to limit a claim when the language of the preamble is necessary to understand the terms and limitations in the claim and the applicant clearly and unmistakably relies on statements of intended use or asserted benefits in the preamble of the invention. See Pitney Bowes, Inc. v. Hewlett-Packard Co., 182 F.3d 1298 (Fed Cir. 1999). See also MPEP 2111.02. The applicant's device is a locking mechanism for use with geared core winders, where the geared core winder is used with core rolls particularly for fabric materials, rugs, papers and other such products. A device designed to reel in antenna from an airplane has no relationship to a "core winder." No person skilled in the art would confuse applicant's locking mechanism for use with a core winder with a device designed for reeling in or reeling out aircraft antennas. Accordingly, the art of Clements has no relevance to the patentability of any of the claims of the application.

In addition, Clements fails to teach several critical elements of the invention. Further, it appears that the USPTO has misunderstood the arrangement of the components of the device of Clements and how they operate. On page 2 of the Office Action, the USPTO asserts that the generally donut-shaped locking piece, referenced by numeral 20 in the application, is equivalent to the base 1 of the reel of Clements.

The generally donut-shaped locking piece (10) of the application, as shown in Figures 1 and 3, includes a central opening (22), a plurality of key locking pin openings (24) in the locking piece (10), which runs parallel to the central opening (22), a rotation limitation system (40), secured within the central opening (22), which permits one way directional rotation of a shaft placed within the central opening, and a key locking pin (30) contained within one of the key locking pin openings (22).

In contrast, the base (element 1) of the Clements device contains none of these elements. The base **1** is fixed on the outside surface of the reel and "is fastened in any suitable manner in an aircraft ..." (Page 1, col. 2, lines 37-40) The USPTO asserts that this base 1 is prevented from rotation by a "rotation limitation system (using a ratchet mechanism **4-5**)." In fact, the ratchet mechanism **4-5** is secured to the base **1** but does not prevent its rotation. The ratchet mechanism **4-5** is a pawl and ratchet which prevent movement of the sleeve **3**, not the base **1**.

> A means is provided, preferably comprising ratchet teeth **4** formed on the end of brake sleeve **3** and a plurality of pawls, as pawl **5**, pivoted on pin **6** secured to base **1**, to prevent rotation of sleeve **3** except in the winding-in or reeling direction. (Page 1, column 2, lines 43-48.) (Emphasis supplied)

Clements further states that:

> In this position of the reel elements the antenna wire cannot run out since rotation of brake sleeve **3** in the unreeling direction, which is counterclockwise looking from the crank end of the device, is prevented by the pawl and ratchet means **4** and **5**. (Page 2, column 2, lines 62-68.) (Emphasis supplied)

Thus, the element that the USPTO asserts is equivalent to the donut-shaped piece (element 1) is not limited in rotation by the components asserted to be equivalent to the rotation limitation system (elements 4 and 5). Any limit on rotation of element 1 of the reel of Clements is created by whatever system the base member 1 is secured within the aircraft. This securing system is not defined.

Further, Claim 1 of the application requires there to be a rotation limitation system "secured within the central opening" of the donut-shaped locking piece. In Clements the rotation limitation system, as described by the USPTO, is the ratchet mechanism 4-5. This mechanism is neither secured within the central opening, nor does it prevent rotation of what is asserted to be the donut-shaped locking piece, i.e., base **1**.

In addition, the USPTO asserts that the "locking mechanism" is equivalent to element **6** of Clements. Element 6 of Clements is a pin around which the pawl **5** rotates. The locking pin (30) of the locking mechanism (10) of Claim 1 is designed to prevent rotation of the donut-shaped locking piece in relation to a core winder. Clearly the pin **6** of Clements has no capability to perform this function to prevent the rotation of any element in relation to any other element. In Clements, the pin is "secured to base 1" but does not prevent the rotation of base 1. (Page 1, col. 2, lines 46-46.)

Alternatively, the USPTO asserts that the claimed key locking pins are the bolts disclosed in Figure 2. The bolts of Figure 2 are undefined structural elements shown in that figure. Further, Figure 2 is a front elevational view of the device illustrated in Figure 1 from the direction of the crank, not from the direction of the base (1). Thus, any bolts shown in Figure 2 do not pass through the base **1** to limit its rotation. Accordingly, these bolts cannot be "contained within one of the key locking pin openings in the donut-shaped locking piece", as required by claim 1. It appears that these bolts merely secure the crank (10) to the brake screw member (8). Accordingly, any bolts that are shown in Figure 2 do not interact in any fashion with the base **1**, the shaft **2**, the brake support **3** or the ratchet mechanism **4-5**, as each of these other elements are located on the opposite side of the reel from the bolts shown in Figure 2. These bolts do not even prevent the rotation of the handle **10** on its shaft. Thus, it is not clear how any of the bolts shown on Figure 2 act as key locking pins that fit within a donut-shaped locking piece to limit rotation, which is claimed to be element **1**.

There is a further major distinction of the device of Clements from the device as claimed. In the locking mechanism as claimed, the donut-shaped locking piece (20) is fixed to the core winder shaft (112) by the key locking pins (30) which are contained in key locking pin openings (24). Thus, when the geared core winder rotates on the shaft in one direction as permitted by the rotation limitation system (40), the donut-shaped locking piece must also rotate. In contrast, the base **1** of the device of Clements never moves and certainly never moves in relation to any other element which might be interpreted to be a core winder. Thus, another element of the invention as claimed is not disclosed in Clements.

Finally, Claim 1 requires that the rotation limitation system be "secured within the central opening." Even assuming that the ratchet and pawl mechanism **4-5** qualify as a rotation limitation system, they are not "secured within the central opening." The USPTO apparently attempts to get around this claim limitation by stating that the ratchet system **4-5** is in an opening inside of base **1**. This central opening is the opening through which the shaft of the geared core winder passes. The shaft of the device of Clements is **2**. Clearly the ratchet and pawl system (4-5) are not contained within the shaft **2** of Clements. To assert that they are within the central opening is reading significant elements into the reference which are not disclosed by Clements.

It is not necessary to respond to the arguments concerning the dependent claims made by the USPTO as the failure of Clements to teach key elements of Claim 1 results in the allowability of all other claims of the application.

Conclusion

The applicant asserts that all claims are allowable over the prior art and requests the issuance of a Notice of Allowability. If there are any issues with regard to this Amendment, please contact applicant's counsel.

Respectfully Submitted,

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